

These minutes were approved by the Board on 7.16.2021

**MINUTES OF THE CONFERENCE CALL MEETING OF THE  
BOARD OF PSYCHOLOGY**

May 28, 2021

**1. ROLL CALL and CALL MEETING TO ORDER**

The conference call meeting of the Board of Psychology was called to order by the Chair, Stacy Waldron, at 10:03 a.m. in the State Office Building, 301 Centennial Mall S, Lower Level A Conference Room, Lincoln, Nebraska. In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and posted in the Licensure Unit on 5.21.2021.

The following members answered the roll call:

**MEMBERS PRESENT (5)**

Tomeka Johnson, Member (on call)  
Mark Lukin, PhD, Secretary (in room)  
Connie Petersen, PhD, Member (on call)  
Rebecca Schroeder, Member (in room)  
Stacy Waldron, PhD, Chair (in room)

**MEMBERS ABSENT (2)**

Stephanie Bruhn, PhD, Vice Chair  
Jennifer Dreibelbis, Member

**OTHERS PRESENT**

Kris Chiles, Program Manager, Licensure Unit (in room)  
Mindy Lester, Assistant Attorney General (in room)  
Teresa Hampton, DHHS Attorney (in room)  
Anna Harrison, Licensure Compliance Monitor (on call)  
Tom Venzor, Executive Director for Nebraska Catholic Conference (on call)  
Lori Lundquist-Wall, NPA representative (on call)

A quorum was present and the meeting convened.

**2. ADOPTION OF AGENDA**

**MOTION:** Lukin moved, seconded by Schroeder, to adopt the agenda. A voice vote was taken. Voting aye: Johnson, Lukin, Petersen, Schroeder, Waldron (5). Voting nay: None (0). Absent: Bruhn and Dreibelbis (2). Motion carried.

**3. APPROVAL OF MINUTES**

**MOTION:** Schroeder moved, seconded by Lukin to approve the minutes of 1.15.2021 and 3.12.2021. A voice vote was taken. Voting aye: Johnson, Lukin, Petersen, Schroeder, Waldron (5). Voting nay: None (0). Absent: Bruhn and Dreibelbis (2). Motion carried.

**4. REGULATION REVIEW, DISCUSSION, AND RECOMMENDATIONS:** 172 NAC 156 and 157

Members voiced their position that the regulations must include all sections of the APA Code of Conduct; they may hit a brick wall, but are requesting that the regulations be forwarded to DHHS Legal for review (next step in the regulation promulgation process) as approved by the Board. They reiterated that the Board does not support the draft proposed by the Department that excludes specific sections of the APA Code.

LB 400 is an act relating to telehealth, introduced by Senator Arch and approved by the Governor on April 21, 2021. Two of the sections included in the bill are listed below, a review of the entire bill can be viewed on the Nebraska Legislative website.

- A definition of telehealth that also includes audio-only services for the delivery of individual behavioral health services for an established patient, when appropriate, or crisis management and intervention for an established patient as allowed by federal law.
- Prior to an initial telehealth consultation, the patient shall sign a ~~written~~ statement prior to or during an initial telehealth consultation or give verbal consent during the telehealth consultation, indicating that the patient understands the written information provided pursuant to subsection (1) of this section and that this information has been discussed with the health care practitioner or the practitioner's designee. The signed statement may be collected by paper or electronic signature and shall become a part of the patient's medical record. If the patient gives verbal consent during the initial telehealth consultation, the signed statement shall be collected within 10 days after such telehealth consultation.

Some members indicated that in their employment, they currently do a 2 witness verbal consent. After review of LB 400, member determined that additional language did not need to be included in the regulations.

Lundquist-Wall asked if Section 004 - Discrimination, was removed from the current draft because the Board is adopting the entire content of the APA code of conduct, thus keeping this section would be duplicative and redundant. Board members confirmed Lundquist-Wall's understanding of the basis for removal of section 004.

~~004. DISCRIMINATION. Psychologists must provide professional assistance to clients or patients without discrimination on the basis of race, color, religion, sex, disability, marital status, national origin, age, familial status, and ancestry.~~

Lundquist-Wall also stated that she liked the format of the agendas, specifically inclusion of stats, bill summaries, and other information to be discussed at the meeting. This allowed for advance review prior to the meeting. She thanked members and staff for their continued work and service they provide to the psychology profession.

Tom Venzor, Executive Director for Nebraska Catholic Conference, voiced his continued concern with including additional protected classes that are not in statute.

**MOTION:** Lukin moved, seconded by Schroeder to forward 172 NAC 156 as revised by the Board, to DHHS Legal for review. A voice vote was taken. Voting aye: Johnson, Lukin, Petersen, Schroeder, Waldron (5). Voting nay: None (0). Absent: Bruhn and Dreibelbis (2). Motion carried.

## **5. NEW BUSINESS**

**b. 2021 Legislation Session:** Bill Discussion (LB 83, 112, 120, 231, 296, 390, 392, others)

Members were provided with updated information relating to legislation – see agenda for details of each bill.

### **c. Association Correspondence:**

- Association of State Provincial Psychology Boards <http://www.asppb.org> - Waldron stated that she attended Board chair meeting virtually; she reported the following:
  - EPPP Part 1&2 were discussed in detail
  - considering combining the parts into 1 examination
  - Skills part of examination important
  - Cost concerning
  - Grandparenting?

- COVID and telehealth, for clients that moved back to home state
  - ASPPB wants to include both tests as the required EPPP test
  - 2<sup>nd</sup> part would be required to be passed prior to provisional licensing
  - Hoping all states require both so they can easily move to another State of Nebraska
  - Part 1 is the information section, and Part 2 is the Skills section
  - Examination costs for both parts would be \$1200
- PSYPACT <https://www.asppb.net/page/PSYPACT> – In 2021, PSYPACT legislation has been introduced in 16 states and New Jersey has carryover legislation from 2020. 18 states are active PSYPACT member states, and a total of 24 have enacted legislation to date.
  - American Psychological Association <http://www.apa.org> – None
  - Nebraska Psychological Association <http://www.nebpsych.org> – Lundquist-Wall reported that on April 14<sup>th</sup>, NPA forwarded a letter to the Department supporting the Board's revisions to 172 NAC 156.
  - Justice Behavioral Health Committee – Lukin reported that he was not able to attend; while Dreibelbis volunteered to be the representative for the Psychology Board, the committee advised that the member must be a licensed psychologist. The committee meets monthly with the next meeting scheduled for June 9<sup>th</sup>, at 10 a.m. Peterson volunteered to be the Board representative; Lukin will advise the committee.

## **6. UPDATES AND REPORTS**

**a. COVID-19:** Executive Order (renewals), Directed Health Measures, and FAQs  
<https://dhhs.ne.gov/Pages/COVID-19-Nebraska-Guidance-Documents.aspx>

No changes to the Executive Orders have occurred; the State of Emergency is still in effect.

**b. Reports: Licensure and Examination Statistics, Administrative Penalties, and Disciplinary and Non-Disciplinary Action Reports** – Members viewed the statistics included with the agenda.

11:15 a.m. Kathy Krueger, Investigations entered the call  
11:20 a.m. Break, Venzor and Lundquist-Wall exited the call  
11:33 a.m. Meeting resumed

## **7. INVESTIGATIVE AND CONFIDENTIAL INFORMATION – Closed Session**

**MOTION:** Lukin moved, seconded by Schroeder, to enter into closed session at 11:33 a.m. for the purpose of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Waldron repeated the motion and purpose. A roll call vote was taken. Voting aye: Johnson, Lukin, Petersen, Schroeder, Waldron (5). Voting nay: None (0). Absent: Bruhn and Dreibelbis (2). Motion carried.

12:05 p.m. Waldron exited the room – conflict of interest  
12:05 p.m. Waldron re-entered the room; Krueger exited the call

Verbal agreement to return to open session by all board members at 12:30 p.m.

## **8. REVIEW, RECOMMENDATION, AND REPORT OUT – Open Session (Applications, Mail Ballot Summary Report, and Reinstatements)**

**MOTION:** Lukin moved, seconded by Schroeder, to recommend denial of the reinstatement (early release from probation) submitted by Kevin Piske. The basis for the denial is that there was insufficient documentation to support early release from probation. A roll call vote was taken. Voting aye: Johnson, Lukin, Petersen, Schroeder, Waldron (5). Voting nay: None (0). Absent: Bruhn and Dreibelbis (2). Motion carried.

**9. ADJOURNMENT**

There being no further business, Waldron stated the next meeting of the Board is July 16, 2021 and declared the meeting adjourned at 12:35 p.m.

Submitted,

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Mark Lukin, PhD, Secretary  
Board of Psychology

Summarized by the Licensure Unit